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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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07/914,386 07/17/92 GRAWE

J 60831/101

12M2/0809

SPRINGFIELD EXAMINER

FOLEY & LARDNER
SUITE 500
3000 K. ST., N.W.
WASH., D.C. 20007-5109

ART UNIT PAPER NUMBER

1201

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DATE MAILED: 08/09/94

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 4/28/94 ☒ This action is made final.
A shortened statutory period for response to this action is set to expire 3 month(s), — days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-37 are pending in the application.
Of the above, claims 22-34 are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☒ Claims 1-21 and 36 are allowed.
4. ☒ Claims 35 + 37 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

Serial No. 07/914,386

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Art Unit 1201

At the outset it is noted that in a telephone interview with Applicant's att'y Mr. Colin G. Sandercock, on 7/7/94 the restriction previously made was modified as follows:

Group I. Claims 1-21 and 35-37.

Group II. Claims 22-26.

Group III. Claims 27-30.

Group IV. Claims 31-34

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Group I which substantially increases the claims to be examined and reduces the number of the eleven previously set forth inventions to four as indicated above. Mr. Sandercock requested that the examiner also suggest how these Group I claims can be moved toward allowance in order to shorten prosecution.

Art Unit 1201

Claims 22-34 are accordingly withdrawn from further consideration by the examiner under 37 CFR 1.142(b) as drawn to non-elected inventions.

Claims 1-21 and 36 are allowed. Claims 35 is rejected under 35 USC 112, par. 1 as having inadequate enablement for the Markush group of contaminants, "antimony etc." in that "formaldehyde" a common residual by-product caused by use of bonding resins cannot possibly have the same removal capability nor danger to humans or mammals as do metals "antimony... molybdenum" or compounds thereof.

Deletion of formaldehyde is suggested ^[2nd] would render this claim also allowable.

Claim 37 is rejected under 35 USC 112, par. 2, as indefinite and under 35 USC 112, par. 1 as having inadequate enablement as to how to use on "soil", which includes innumerable undefined soils which obviously would require subsequent undue experimentation by others to determine porosity, etc., thereof. Deletion of "soil" would render claim 37 allowable.

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THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

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Springer: ach
August 01, 1994

David B. Springer
DAVID B. SPRINGER
PRIMARY EXAMINER
ART UNIT 1201